IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

RP.No. 410 of 1997()

AGAINST THE JUDGEMENT/ORDER IN LAA.107/1988 Dated 27/02/1996

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REVIEW PETITIONER/APPELLANT/RESPONDENT:

STATE OF KERALA

BY ADV. SRI. BEENY GRACIOUS, GOVERNMENT PLEADER

RESPONDENTS:
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1. MOOLIYIL BHASKARAN, MUNNATHU HOUSE,
KALOOR P.O., KADACHIRA.

2. M. LEELA, MOOLIYIL VEEDU, THAVAKKARAN, CANNANORE.

3. M. KANAKAMMA -DO- -DO- -DO-

4. M. JYOTHI, -DO- -DO- -DO-

5. M. GEETHA, -DO- -DO- -DO-

6. M. SUDHA, -DO- -DO- -DO-

7. M. LATHA -DO- -DO- -DO-

8. M. SARVESH, -DO- -DO- -DO-

9. ANANDAKRISHNAN, -DO- -DO-

10. M. JIJA (MINOR) -DO- -DO- -DO-

11. BABY, (MINOR) -DO- -DO- -DO-

MINOR 10 AND 11 REPRESENTED BY GUARDIAN MOTHER M. JYOTHI.

12. M. MANOJ, MOOLIYIL VEEDU, THAVAKKARAN, CANNANORE.

13. M. NISHA, -DO- -DO-

14. M. JAGADEESH, -DO- -DO-

15. M. KRIPA (MINOR) -DO- -DO-
MINOR 15 REPRESENTED BY GUARDIAN AND MOTHER KANAKAMMA

16. M. BHARGAVI, PRASANTHI, TALAP, CANNANORE.

17. M.K. RAMESHAN, -DO- -DO-

18. M.K. PRASANTHAN -DO- -DO-

19. M.K. JEEJA, -DO- -DO-

20. M.K. PRABHA, -DO- -DO-

21. M.K. SUMA (MINOR) -DO- -DO-
(MINOR 21 REPRESENTED BY MOTHER AND GUARDIAN M. BHARGAVI)

BY ADV. SRI.M.C.NAMBIAR
SRI.A.MOHAMED MUSTAQUE
SRI.M.K.SUMOD
SRI.A.MOHAMED MUSTAQUE
SRI.KAUSER EDAPPAGATH
SRI. BENNY GERVOSIS, GOVERNMENT PLEADER

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 18/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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C.M.P. No. 5763 of 1997

and

R.P NO. 410 OF 1997

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Dated this the 18th day of December 2006

ORDER

Abdul Gafoor,J

The C.M.P. No. 5763/1997 is a petition for condonation of delay in filing Review Petition in L.A.A. No. 107/88. It is a long pending matter. Service on this application is not yet completed. In that situation we have examined the grounds for delay. The appeal was disposed of by this court on 27.02.1996. Certified copy was obtained on 02.07.1996. Inspite of that the certified copy was received in the concerned collectorate only on 26.03.1997, which was wrongly mentioned in the affidavit as 26.03.1996. In that regard itself, there was inordinate delay, which stands not explained. Therefore, we are not satisfied that the delay in filing the Review Petition is properly explained. Necessarily, even if service is complete, the delay cannot be condoned. Moreover, it is submitted that the decree itself has

been executed and the entire decreed amount has been paid off by the Review Petitioner. In such circumstances, there is no reason to condone the delay. Hence the petition for condonation for delay is dismissed. Consequently, the Review Petition also stands dismissed.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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